

Message Text

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ORIGIN SCS-03

INFO OCT-01 ARA-06 ISO-00 OFA-01 OES-03 EB-07 COME-00

INT-05 DLOS-04 IO-10 DOTE-00 TRSE-00 CIAE-00 INR-07

NSAE-00 PA-01 PRS-01 USIA-06 DODE-00 L-03 H-02 /060 R

DRAFTED BY SCA:SCS:AFFOWLER:JFHUGHES:GJL

APPROVED BY SCA:LELAWRENCE

ARA/CAR/MVYOHN (SUB)

SCA/SCS/AAGISE

OES/OFA/LNSCHOWENGERDT (INFO)

ARA:WHLUERS

----- 121439

P R 281538Z AUG 75

FM SECSTATE WASHDC

TO AMEMBASSY NASSAU PRIORITY

INFO COMDTCOGARD SEVEN MIAMI; RUEBJGA/COMDTCOGARD WASHDC

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E.O. 11652:N/A

TAGS: EFIS, CASC, BF

SUBJECT: SPINY LOBSTER, CONSULAR PREPARATIONS

REF: NASSAU 1244, 7 FAM 500

1. DEPT HAS REVIEWED REFTTEL AND HAS FOLLOWING REMARKS
FOR CONSIDERATION.

2. BASIC REFERENCES ARE FOUND IN 7 FAM 500, WHICH IS VERY
EXPLICIT RE LEGISLATIVE AND REGULATORY GROUNDS FOR CONSULAR
SERVICES WHICH CAN AND CANNOT BE PROVIDED. US-UK CONSULAR
CONVENTION OF 1951(TIAS 2494) AND US-UK CONVENTION OF
1899 RE PROPERTY (TS 146 AND 964) PERTINENT.

3. PROBLEMS BREAK DOWN AS FOLLOWS:

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(A) AMERICAN-OWNED, AMERICAN-DOCUMENTED VESSELS, OVER 5
TONS: CONSUL CAN AND MUST PROVIDE PROTECTION TO VESSEL
AND TO AMERICAN SEAMEN (AS DEFINED 22 CFR 81.6, AND 7 FAM
511 AND 513.1-2) SHIPPED ABOARD. HOWEVER, NOTE 7 FAM

543.1-4 RE JAILED AMERICAN SEAMEN.

(B) AMERICAN-OWNED, UNDOCUMENTED VESSEL UNDER 5 TONS.
VESSEL TO BE TREATED AS ANY OTHER PROPERTY (7 FAM 512.3;
513.6; 435, 436; US-UK CONVENTION 1899) AMCITS TREATED AS
ORDINARY AMERICAN CITIZEN, BUT NOT AS SEAMAN; NON-AMCITS

HAVE NO CLAIM TO PROTECTION.

(C) NON-AMERICAN-OWNED VESSEL NOT ONLY HAS NO CLAIM TO
ASSISTANCE BUT THERE ARE STATUTORY AND TREATY PROHIBITIONS
AGAINST EXTENSION CONSULAR SERVICES TO SUCH SHIPS AND CREW-
MEN (7 FAM 512.4 AND TREATIES).

4. DEPARTMENT REALIZES ARRESTS OF NON-AMERICAN CITIZENS
IN THIS CONTEXT WILL UNDOUBTEDLY GENERATE DEMANDS FOR
SERVICES FROM EMBASSY. EMBASSY'S ACTIONS IN RESPONSE
SHOULD BE IN ACCORDANCE WITH STATUTES, TREATIES, AND CON-
VENTIONS, REMEMBERING THAT FORMAL REPRESENTATIONS COULD
PROVIDE BAHAMIAN AUTHORITIES WITH GROUNDS FOR DENIAL AND/
OR PROTEST.

5. SHOULD SUCH ARRESTS MATERIALIZE, AND EMBASSY BELIPVES
STRICTLY INFORMAL APPROACH TO GCOB AUTHORITIES MIGHT BE
USEFUL, EMBASSY SHOULD REPORT DETAILS.

6. SEPTTEL WILL ADDRESS BROADER QUESTION OF POSSIBLE
DIPLOMATIC PROTEST OF ANY ARRESTS ON GROUNDS OF BAHAMIAN
FAILURE PROVIDE FOR ADEQUATE PHASE OUT PERIOD FOR OUR
FISHERMEN. INGERSOLL

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